

Applicant: Motomi Kohno  
Appl. No.: 10/766,477

**AMENDMENTS TO THE DRAWINGS**

Please replace current drawing sheet 1 with the enclosed replacement drawing sheet 1. In replacement drawing sheet 1, Fig. 1 has been amended to remove reference character “h” and the accompanying dimension lines.

**REMARKS**

The Applicant thanks the Examiner for the careful consideration of this application. Claims 1, 3, 4, 5, 8, 10, and 12 are currently pending. Claims 1, 3, 4, 8, 10, and 12 have been amended. Claims 2, 6, 7, 9, and 11 have been cancelled, without prejudice. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

**Objections to the Drawings**

The Office Action objected to the drawings for containing reference character “h” in Fig. 1, which is not referenced in the specification. Fig. 1 has been amended to remove reference character “h” and the accompanying dimension lines. Therefore, the Applicant requests that this objection be withdrawn.

**Objections to the Specification**

In paragraphs 2 and 3, the Office Action made various objections to the specification for containing minor informalities. The specification has been amended to correct these informalities. Therefore, the Applicant requests that the objections to the specification be withdrawn.

Rejections under 35 U.S.C. § 112

(1) The Office Action rejected claims 1-12 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Specifically, the Office Action objected to claims 1-12 for various antecedent basis issues, and also for containing indefinite language such as “and the like.” The claims have been amended throughout to correct these formal issues.

(2) The Office Action rejected claims 3-7 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, because “claim 3 is a device claim that makes reference to the method of claim 1.” Claim 3 has been rewritten as an independent device claim that no longer refers to the method of claim 1. Claims 6 and 7 have been cancelled, without prejudice. Therefore, the Applicant requests that this rejection be withdrawn with respect to claims 3-5.

Rejections under 35 U.S.C. § 101

The Office Action rejected claims 3-7 under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Specifically, the Office Action stated that claim 3 presents neither a machine nor a process claim. As stated previously, claim 3 has been rewritten as an independent device claim that no longer refers to the method of claim 1, and claims 6 and 7 have been cancelled, without prejudice. Therefore, the Applicant requests that this rejection be withdrawn with respect to claims 3-5.

Rejections under 35 U.S.C. § 102

(1) The Office Action rejected claims 1-3 and 5-7 under 35 U.S.C. § 102(b) as being

anticipated by U.S. Patent No. 4,872,973 to Ikebuchi et al. Claims 1 and 3 are the independent claims. Claims 2, 6, and 7 have been cancelled, without prejudice. The Applicant respectfully traverses this rejection.

Claim 1

Ikebuchi does not disclose at least *two* features of claim 1. *First*, Ikebuchi does not disclose “a tertiary separation step of blowing tertiary air upward from below the conical secondary separation space to blow remaining lightweight grains to the conical secondary separation space.” Referring to Fig. 2 of Ikebuchi, the air inlet passages 17, 18, and the inlet pipes 19 all introduce air through the *side* of the lower conical portion 1a, not from below it. Therefore, Ikebuchi does not disclose “a tertiary separation step of blowing tertiary air upward *from below* the conical secondary separation space to blow remaining lightweight grains to the conical secondary separation space,” as recited by claim 1.

*Second*, Ikebuchi does not disclose “a stabilizer provided centrally in the lower portion of the conical secondary separation space,” as recited by claim 1. Instead, Ikebuchi discloses a “conic.” (See, Ikebuchi at 2:63-66.)

Claim 1 is patentable over Ikebuchi for at least these two reasons.

Claims 3-5

Ikebuchi does not disclose at least *two* features of independent claim 3. *First*, Ikebuchi does not disclose “a tertiary air blowing unit, the tertiary air blowing unit blowing tertiary fresh air from below the conical section into a chamber,” as recited by claim 3. Instead, the air inlet passages 17, 18, and the inlet pipes 19 of Ikebuchi all introduce air through the *side* of the lower

conical portion 1a. (*See*, Ikebuchi at Fig. 2.)

**Second**, Ikebuchi does not disclose a “stabilizer.” Instead, Ikebuchi discloses a “conic.” (*See*, Ikebuchi at 2:63-66.)

Claim 3 is patentable over Ikebuchi for at least these two reasons. Claims 4 and 5 depend from claim 3, and are patentable over Ikebuchi for at least the same reasons.

(2) The Office Action rejected claims 1-3 and 5-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,667,600 to Oi et al. Claims 1 and 3 are the independent claims. Claims 2, 6, and 7 have been cancelled, without prejudice. The Applicant respectfully traverses this rejection.

Claim 1

Oi does not disclose at least two features of claim 1. **First**, Oi does not disclose “a tertiary separation step of blowing tertiary air upward from below the conical secondary separation space to blow remaining lightweight grains to the conical secondary separation space,” as recited by claim 1. Referring to Fig. 1 of Oi, the air supply pipes 3, 4, and the inlet 9 all introduce air through the *side* of the cone 11, not from below it. Therefore, Oi does not disclose “a tertiary separation step of blowing tertiary air upward *from below* the conical secondary separation space to blow remaining lightweight grains to the conical secondary separation space,” as recited by claim 1.

**Second**, Oi does not disclose “a stabilizer provided centrally in the lower portion of the conical secondary separation space,” as recited by claim 1. Instead, Oi discloses a “conical guide means.” (*See* Oi at 2:38-40.)

Claim 1 is patentable over Oi for at least these two reasons.

Claims 3 and 5

Oi does not disclose at least *two* features of independent claim 3. *First*, Oi does not disclose “a tertiary air blowing unit, the tertiary air blowing unit blowing tertiary fresh air from below the conical section into a chamber.” Instead, the air supply pipes 3, 4, and the inlet 9 of Oi all introduce air through the *side* of the cone 11, not from below it. (See Oi at Fig. 1.)

*Second*, Oi does not disclose a “stabilizer.” Instead, Oi discloses a “conical guide means.” (See Oi at 2:38-40.)

Claim 3 is patentable over Oi for at least these two reasons. Claim 5 depends from claim 3, and is patentable over Oi for at least the same reasons.

(3) The Office Action rejected claims 1, 3, and 4 under 35 U.S.C. § 102(b) as being anticipated by JP 2002035699 to Hiroshi. Claims 1 and 3 are the independent claims. The Applicant respectfully traverses this rejection.

Claim 1

Hiroshi does not disclose at least two features of claim 1. *First*, Hiroshi does not disclose “a tertiary separation step of blowing tertiary air upward from below the conical secondary separation space to blow remaining lightweight grains to the conical secondary separation space,” as recited by claim 1. In fact, the Office Action does not appear to have asserted that Hiroshi discloses this feature.

*Second*, Hiroshi does not disclose “a stabilizer provided centrally in the lower portion of the conical secondary separation space,” as recited by claim 1. Again, the Office Action does not

appear to have asserted that Hiroshi discloses this feature.

Claim 1 is patentable over Hiroshi for at least these two reasons.

Claims 3 and 4

Hiroshi does not disclose at least *two* features of independent claim 3. *First*, Hiroshi does not disclose “a tertiary air blowing unit, the tertiary air blowing unit blowing tertiary fresh air from below the conical section into a chamber.” The Office Action does not appear to have asserted that Hiroshi discloses this feature.

*Second*, Hiroshi does not disclose a “stabilizer.” The Office Action also does not appear to have asserted that Hiroshi discloses this feature.

Claim 3 is patentable over Hiroshi for at least these two reasons. Claim 4 depends from claim 3, and is patentable over Hiroshi for at least the same reasons.

Rejections under 35 U.S.C. § 103

(1) The Office Action rejected claims 8-12 under 35 U.S.C. § 103(a) as being unpatentable over Ikebuchi in view of U.S. Patent No. 4,776,950 to Green et al. Claims 8 and 10 are the independent claims. Claims 9 and 11 have been cancelled, without prejudice. The Applicant respectfully traverses this rejection.

Claim 8

Claim 8 recites “a tertiary separation step of blowing tertiary fresh air upward from below the conical secondary separation space to blow the remaining powder bodies to the conical secondary separation space.” As demonstrated above, Ikebuchi does not disclose or suggest this

feature. Green does not provide the missing disclosure. Therefore, claim 8 is patentable over any reasonable combination of Ikebuchi and Green.

Claims 10 and 12

Claim 10 recites “a tertiary air blowing unit for blowing tertiary fresh air from below the conical secondary separation space.” As demonstrated above, Ikebuchi does not disclose or suggest this feature. Green does not provide the missing disclosure. Therefore, claim 10 is patentable over any reasonable combination of Ikebuchi and Green. Claim 12 depends from claim 10, and is patentable over Ikebuchi and Green for at least the same reason.

(2) The Office Action rejected claims 8-12 under 35 U.S.C. § 103(a) as being unpatentable over Oi in view of U.S. Patent No. 4,776,950 to Green et al. Claims 8 and 10 are the independent claims. Claims 9 and 11 have been cancelled, without prejudice. The Applicant respectfully traverses this rejection.

Claim 8

Claim 8 recites “a tertiary separation step of blowing tertiary fresh air upward from below the conical secondary separation space to blow the remaining powder bodies to the conical secondary separation space.” As demonstrated above, Oi does not disclose or suggest this feature. Green does not provide the missing disclosure. Therefore, claim 8 is patentable over any reasonable combination of Oi and Green.

Claims 10 and 12

Claim 10 recites “a tertiary air blowing unit for blowing tertiary fresh air from below the conical secondary separation space.” As demonstrated above, Oi does not disclose or suggest

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Appl. No.: 10/766,477

this feature. Green does not provide the missing disclosure. Therefore, claim 10 is patentable over any reasonable combination of Oi and Green. Claim 12 depends from claim 10, and is patentable over Oi and Green for at least the same reason.

### **Conclusion**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

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Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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